

**UNITED STATES DISTRICT COURT**  
**Southern District of Texas**  
Holding Session in Houston

UNITED STATES OF AMERICA

V.

**MANUEL J. GAY**CASE NUMBER: **4:04CR00011-001**

USM NUMBER: 29255-179

Date of Previous Judgment: November 29, 2004  
(Use Date of Last Amended Judgment if Applicable)Mark William Bennett  
Defendant's Attorney**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 150 months **is reduced to** 112 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 29Amended Offense Level: 27Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 151 to 188 monthsAmended Guideline Range: 130 to 162 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.  
☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

**III. ADDITIONAL COMMENTS**

- ☐ See Additional Comments Continued Sheet

Except as provided above, all provisions of the judgment dated November 29, 2004 shall remain in effect.

**IT IS SO ORDERED.**Order Date: January 9, 2009

Signature of Judge

**SIM LAKE****UNITED STATES DISTRICT JUDGE**  
Name and Title of JudgeEffective Date: \_\_\_\_\_  
(if different from order date)

GY | MRO